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DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

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House Bill 4532 (As Introduced)

Topic: Employment Rights
Sponsor: Representative Gonzales
Co-sponsors: Representatives Polidori, Hammon, Cushingberry, Bieda, Kathleen Law, Jackson, Meisner, and Miller
Committee: House Labor

Date Introduced: March 27, 2007

Date of Summary: March 27, 2007

The bill creates the Employee Privacy Protection Act, which prohibits employers from taking certain actions (e.g. discharge) based on the employee engaging in a lawful activity off the employer's premises during non working hours. The prohibition does not apply to the following:

- An activity that directly impairs an established bona fide occupational requirement or an employment activity or responsibility of a particular employee or a particular group of employees.
- An activity that creates a substantial conflict of interest with the employer's core mission or violates a written bona fide conflict of interest policy disseminated to employees.
- An activity that involves use of property that the employer owns or leases in violation of an established company policy.
- An activity that is addressed under state or federal law, regulation, or rule regulating the particular type of employment, if the employee's action is not in accord with the law, regulation, or rule.

A person is prohibited from retaliating or discriminating against a person because the person has filed a complaint under the act; testified, assisted, or participated in an investigation, proceeding, or action; or opposed a violation.

An employer shall not require an applicant or employee to waive any right under the act. Such an agreement is invalid and unenforceable.

A person injured by a violation may bring a civil suit to obtain injunctive relief and damages. The court is required to award costs and reasonable attorney fees to a person who prevails as a plaintiff in a suit.